

Remarks

Claims 1-20 are pending in the application and the same are rejected. Claims 1-20 remain in the application and are presented for review and further consideration by the Examiner.

The Examiner has rejected claims 1, 3, 4, 6, 8, 10, 11, 13, 15, 16, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Albal, U.S. Patent No. 5,826,034. (Examiner's Action, page 2, ¶ 2).

In response, Applicants have amended claims 1, 8, and 13 to incorporate claims 2, 9, and 14, respectively and to include that establishing communication with the e-mail server is responsive to detecting a failure in the complete transmission of electronic data. Further argument appears below.

The Examiner has rejected claims 2, 5, 9, and 14 under 35 U.S.C. §103(a) as being unpatentable over Albal, in view of Takaoka U.S. Patent No. 5,103,318. The Examiner agrees that Albal does not disclose recovering from an interruption in electrical power causing a failure in the complete transmission of the electronic data, but states that Takaoka teaches examining a storage device for electronic data after an interruption in electrical power to detect a failure in the complete transmission of electronic data.

Applicant respectfully disagrees.

Takaoka does not disclose examining a storage device for electronic data after an interruption in electrical power to detect a failure in the complete transmission of electronic data. Takaoka merely discloses upon power up, printing out a report of the file management information and the leading portions of the first pages of files stored in a storage device.

Furthermore, Takaoka does not disclose establishing communication with the e-mail server, responsive to detecting a failure in the complete transmission of electronic data. Takaoka merely discloses that an operator may look at the printed reports and manually retransmit those files stored in the file system.

In contrast, Applicant's independent claims 1, 8, and 13 include detecting a failure in the complete transmission of electronic data to the e-mail server by examining the storage device for the electronic data after the interruption in electrical

power and responsive to detecting a failure in the complete transmission of electronic data, establishing communication with an e-mail server to transmit the electronic data.

The Examiner has rejected claims 7, 12, and 20 under 35 U.S.C. 103(a) as being unpatentable over Albal as applied to claims 1, 8 and 13 above, and further in view of Nobuta (U.S. Patent No. 5,258,853).

Applicants respectfully disagree.

The Examiner does not specifically state upon which grounds claims 17 and 18 are rejected.

In view of Applicants' arguments with respect to independent claims 1, 8, and 13 being allowable, Applicants respectfully submits that the remaining dependent claims are also allowable because they contain all of the limitations of their respective independent claims and further add structural and functional limitations.

Pursuant to 37 C.F.R. § 1.121(c)(3), a marked-up version of the claims amended by this response is attached hereto.

The foregoing arguments are believed to be a complete response to the most recent Examiner's Action.

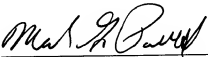
No new matter has been added.

It is respectfully submitted that there is no claim, teaching, motivation, or suggestion in any of the prior art cited, alone or in combination, to produce what Applicants claims.

It is further submitted that the application defines patentable subject matter and that the claims are in a condition for allowance. Such allowance at an early date is respectfully requested.

Should any issues remain which would preclude the prompt disposition of this case, it is requested that the Examiner contact the undersigned practitioner by telephone.

Respectfully submitted,
Stephen K. Johnson
Kristin S. Dahl
Theresa L. McGuire
Clint S. Cuzzo

By 
Mark G. Pannell
Reg. No. 40,761

Date 12/02/02
(719) 260-7900

MARKED UP VERSION OF AMENDED CLAIMS

1. (amended) In a system for electronically transmitting to an electronic mail (e-mail) server electronic data derived from optically scanning a document, a method for recovering from an interruption in electrical power causing a failure in the complete transmission of the electronic data to the e-mail server, the method comprising:

- (a) storing the electronic data to a non-volatile storage device;
- (b) detecting a failure in the complete transmission of electronic data to the e-mail server by examining the storage device for the electronic data after the interruption in electrical power;
- (c) responsive to detecting a failure in the complete transmission of electronic data, establishing communication with the e-mail server; and,
- (d) transmitting the electronic data from the storage device to the e-mail server.

8. (amended) A system for recovering from an interruption in electrical power causing a failure in the complete transmission of the electronic data to [the] an e-mail server, the system comprising:

- (a) scanning hardware for optically scanning a document to create electronic data;
- (b) a non-volatile storage device for storing the electronic data;
- (c) means for detecting a failure to completely transmit the electronic data to the e-mail server by examining the storage device for the electronic data after a restoration of electrical power;
- (d) means responsive to detecting a failure in the complete transmission of electronic data, for transmitting the electronic data from the storage device to the e-mail server.

13. (amended) A program storage system readable by a computer, tangibly embodying a program, applet, or instructions executable by the computer to perform method steps for recovering from an interruption in electrical power causing a failure in a complete transmission of electronic data to an e-mail server, the electronic data derived from optically scanning a document, a method for recovering, the method

steps comprising:

- (a) storing the electronic data to a non-volatile storage device;
- (b) detecting a failure in the complete transmission of electronic data to the e-mail server by examining the storage device for the electronic data after the interruption in electrical power; [and,]
- (c) responsive to detecting a failure in the complete transmission of electronic data, establishing communication with the e-mail server; and,
- (d) transmitting the electronic data from the storage device to the e-mail server.